UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte ROBERT A. COCHRAN and GREGORY D. DOLKAS

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Appeal 2010-002985[1]
Application 09/726,852
Technology Center 2400

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Before JEAN R. HOMERE, ST JOHN COURTENAY III, and
CAROLYN D. THOMAS, *Administrative Patent Judges.*

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

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[1] The real party in interest is Hewlett Packard Development Co., LP (App.
Br. 1.).

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-10. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

Appellants invented a method and system for allowing remote hosts to access logical units (LUN) in a mass storage device including an access table containing entries representing authorization of a host to access a particular LUN, and further including a supplemental access table containing authorization of a control device LUN (CDLUN) to access an associated LUN. Upon a host requesting access to one or more LUNs associated with a CDLUN, a device array controller in the mass storage checks the access table and the supplemental access table to determine if corresponding entries exist to permit the requested access. (Spec. 3, ll. 16-29, spec. 22-36-42, Fig. 2.)

Illustrative Claim

Independent claim 1 further illustrates the invention as follows:

1.   A method for authorizing access by remote entities to logical units provided by a mass storage device comprising:

providing an access table that includes entries that each represents authorization of a particular remote entity to access a particular logical unit;

providing a supplemental access table that includes entries that each represents authorization of a particular control device logical unit to access a particular logical unit; and

when a remote entity requests execution of an operation directed to a specified control device logical unit and involving one or more additional specified logical units,

authorizing the request for execution of the operation only when an entry currently exists in the access table that represents authorization of the remote entity to access the specified control device logical unit and, for each of the one or more additional specified logical units, an entry exists in the supplemental access table that represents authorization of the specified control device logical unit to access the additional specified logical unit.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

Ito   US 6,684,209 B1   Jan. 27, 2004

Rejections on Appeal

The Examiner rejects the claims on appeal as follows:

1. Claims 1, 2, 4, 5 , 7, 9, and 10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing particularly point out what the claim recites.

2. Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ito.

3. Claims 1, 2, 4, 6, 7, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Tulloch and Microsoft Windows NT.

ANALYSIS

We consider Appellants' arguments *seriatim* as they are presented in the principal Brief, pages 5-9.

Indefiniteness and Obviousness Rejections

The Examiner indicated that Appellants' statement of the grounds of rejection to be reviewed on appeal (App. Br. 5), which includes the cited grounds of rejection above is correct. (Ans. 2.) However, the Examiner omitted in the Answer the §112, second paragraph rejection and the §103 rejection previously entered against the claims. The Examiner's Answer also failed to respond to Appellants' arguments regarding such rejections. Because the Examiner has not indicated in the Answer that these rejections were withdrawn, we consider them as pending before us for review.[2]

In view of the Examiner's failure in the Answer to respond to Appellants' arguments to these rejections, as required by 37 CFR [§] 41.37, we *pro forma* reverse those rejections.

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[2] *See* MPEP §1207.02: "If any rejection is withdrawn, the withdrawal should be clearly stated in the [E]xaminer's [A]nswer under subheading 'WITHDRAWN REJECTIONS' in the section 'Grounds of Rejection to be Reviewed on Appeal.'"

Anticipation Rejection

Appellants argue that the Examiner erred in rejecting claim 1 as being anticipated by Ito because the reference does not describe an access table containing entries representing a host authorization to access a particular LUN *and a supplemental access table containing entries representing authorization of a CDLUN to access a LUN*, as recited in independent claim 1. According to Appellants, Ito discloses a single LUN access management table containing entries establishing a one-to-one correspondence between a host field, a virtual LUN field, and a LUN field, whereas the claim requires a LUN access table and a distinct CD LUN supplemental access table, each containing authorization entries to access specified LUNs. (App. Br. 7-10.)

In response, the Examiner finds that Ito discloses a single LUN access management table (Fig. 14), which can be interpreted as a LUN access table and a virtual LUN access table that are merged together. Further, the Examiner finds that Ito discloses two separate tables (Fig. 21), including the LUN access table, and the CD LUN supplemental access table. Therefore, the Examiner finds that Ito's disclosure describes the disputed limitations set forth above. (Ans. 8-9.)

We find error in the Examiner's findings and ultimate determination of anticipation. In particular, while we agree with the Examiner that it is well-known to split a single table into two separate tables (e.g. splitting the LUN access management table of Figure 14 into a virtual LUN table and a separate LUN table) (Ans. 8), we find that such a finding to be premised upon the notion of official notice, which is more suitable for an obviousness

rejection, and not an anticipation rejection. Therefore, we find that while Ito may teach or suggest, under an obviousness standard, splitting the disclosed single LUN access management table into a virtual LUN access table and a separate LUN access table, it does not describe such tables under an anticipation standard. Further, we find that while Figure 21 of Ito discloses two separate tables, including a WWN-S_ID conversion table and the LUN access management table, the latter table includes both the virtual LUN field and the LUN field whereas the former table is merely a conversion table. Therefore, the disclosed tables do not describe the claimed LUN access table and the separate CD_LUN access table having entries that specify which LUN a remote host is authorized to access. Additionally, as pointed out by Appellants, we note that Ito's virtual LUN field appears to be directed to renumbered LUNs for user's convenience (Col. 12, ll. 21-22, col. 15, ll. 26-28). The virtual LUNs also appear to serve as a mere interface for a host to access specified LUNs (Col. 12, ll. 42.) If a LUN is registered as a virtual LUN in the entry of the LUN access management table, a host may be allowed to access the virtual LUN. (Col. 14, ll. 40-51.) That is, Ito discloses that the LUN serves to control access to the virtual LUN, and does describe a supplemental access table having entries that represent authorization of the virtual LUN to access a specified LUN, as required by the claim. Therefore, we agree with Appellants that the disclosed virtual LUN does not describe the claimed CDLUN, as recited in claim 1.

Because Appellants have shown error in the Examiner's finding that Ito anticipates independent claim 1, we will not sustain the Examiner's

anticipation rejection of claims 1-10, which all recite the disputed limitations set forth above.

DECISION

We reverse the Examiner's rejections of claims 1-10.

<u>REVERSED</u>

Vsh